

REMARKS

In view of the foregoing amendments, and the following remarks, the Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application. In the Office Action, claims 1-11 were rejected. In this Amendment, independent Claim 1 was amended and, thus claims 1-12 remain open for consideration.

Applicant further submits that Claims 1-12 are in condition for allowance and requests withdrawal of the objections and rejections.

Objections to the Specification

Applicant acknowledges Examiner's statement regarding objection to the specifications with respect to the received drawings. In light of the Examiner's remarks, Applicant has corrected the specification. Thus, the objection should be withdrawn.

Applicant had amended Figure 10 for the purposes of clarification wherein amended Figure 10(a) shows an embodiment of the present invention having extensions that are parabolic-shaped. Likewise, the amended Figure 10(b) shows another embodiment of the present invention where the top segment extensions are triangle-shaped. Accordingly, the amended specification does not contain new matter.

Rejections Under 35 U.S.C. §103(a)

In paragraph 2, the Examiners rejected claims 1-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Graham et al. (USPN #4,455,705 (hereinafter Graham)) in view of Nortman et al. (USPN #6,276,032 (hereinafter Nortman)). The Applicant respectfully traverses the Examiner's rejections. Unlike the present invention, Graham teaches a cleaning device having a handle means that is attached to one side of an applicator head for manipulating the applicator head in a cleaning motion over a surface to be cleaned. The handle means, itself, is illustrated as being a molded elongated handle with opposed ends. (See Column 3; lines 42-50) Moreover, the handle means and the applicator head are pivotaly connected via a pivotal support means. (See Column 3; lines 50-55) The prior art reference in Nortman teaches a fastening system for garments and

other articles, such as gowns, diapers, incontinence garments and the like. (See Column 1; lines 5-15; Abstract)

Applicant's invention, as recited in amended independent claim 1 is directed toward a cleaning device. Independent claim 1 specifies that the cleaning device comprises a (1) cleaning member, (2) a base plate, (3) an ergonomic handle and (4) a connector. Claim 1 further specifies that said ergonomic handle has a substantially contoured top portion such that it allows a user to obtain both a firm and ergonomically comfortable grip as the user mimics a cleaning motion. (See, Page 13, lines 10-15). Thus, one of ordinary skill in the art would not have combined the teachings in Graham with those in Nortman to arrive at the present invention. Accordingly, independent claim 1 is believed to be allowable over the cited prior art references for the foregoing reasons.

In paragraph 5, the Examiner rejected Claims 1-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Hintz et al. (USPN #6,493,899 (hereinafter Hintz)) in view of Nortman. The Examiner stated that Hintz in Figure 3 teaches a base plate 14 comprises a hand member 40 having a grasping means that is curved throughout and configured to closely conform the curvature of the inside of a user's hand. The Applicant respectfully traverses the Examiner's characterization of handle member 40. Unlike the present invention, handle member 40 is instead a two-piece, galvanized steel frame which curls upward from the base plate 14 to form an elongated cantilever grip arm that extends substantially parallel to and above said base plate 14. (See Figures 2 and 3; Column 4; lines 1-7, Column 3, lines 63-67) The handle member 40, in Hintz, as shown in Figure 3 is one embodiment having a partially knuckled handle. Accordingly, Hintz does not disclose or teach a readily detachable handle member having substantially contoured or spherical surface area enabling the user to obtain both a firm and ergonomically comfortable grip, as claimed by the Applicant in independent Claim 1. Accordingly, one of ordinary skill in the art would not see a suggestion combine the teachings of Hintz with those of Nortman to arrive at the present invention.

In paragraph 7, the Examiner has rejected Claims 1-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Paepke (USPN #5,003,659 (hereinafter Paepke)) in view of Fay et al. (USPN #2,676,758) (hereinafter Fay)) and in further view of Nortman. The Examiner acknowledge that Paepke does not teach a base plate that is separable from a handle, but has, nevertheless, rejected the present invention in view of Fay and in further view of Nortman. The Applicant respectfully disagrees and respectfully traverses the Examiner's rejection. In Fay, as depicted in Figures 1 and 2, the invention teaches and discloses a hairbrush device having a brush back 1 removably coupled to a knob 11. In operation, the invention claimed in Fay is capable of thoroughly brush human hair and thereby stimulating the user's scalp. (See Figures 1-2; Column 1; lines 1-7) Fay does not pertain to or teach a cleaning device having a handle wherein said handle is ergonomically contoured, both in size and dimension, to allow for ease and comfort in gripping, as claimed in the present invention.

Moreover, the Applicant disagrees with the Examiner's characterization of handle member 12 in Paepke, as it pertains to the present invention. Rather, in Figures 2 and 4, Paepke shows a cleaning device having a base plate 16 integrally joined to a handle member 12. (See Column 3, lines 11-26; Figures 1-5) Unlike the present invention, Paepke does not disclose or teach a cleaning device having a detachable handle portion.

Accordingly, Paepke, standing alone or in combination with either Fay or Nortman, does not teach nor suggest the Applicant's cleaning device and one of ordinary skill in the art would not have combined Paepke with either Fay or Nortman to arrive at the present invention. Accordingly, dependent Claims 2-10 which include all the limitations of independent Claim 1, are believed to be allowable for the foregoing reasons.

In paragraph 12, the Examiner rejected Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Graham in view of Nortman and in further view of Gracia et al. (USPN #5419015 (hereinafter Garcia)) or Hintz et al. in view of Nortman and further view Garcia or Paepke in view of Fay and Nortman in further view of Garcia. The Applicant respectfully traverses the Examiner's rejection. The Examiner acknowledged that Graham, Nortman, Hintz, and Paepke all failed to teach a cleaning device having a third

surface comprising a scouring pad, but has, nonetheless, rejected the Applicant invention in further view of Garcia. Unlike the present invention, Garcia teaches a mop having a flat work pad attached to an elongated handle and, as previously discussed, does not teach or is directed towards a cleaning device comprises a (1) cleaning member, (2) a base plate, (3) an ergonomic handle and (4) a connector wherein said ergonomic handle has a substantially contoured top portion such that it allows a user to obtain both a firm and ergonomically comfortable grip. Accordingly, one of ordinary skill in the art would not see a suggestion to combine the teachings of Graham, Nortman, Hintz, or Paepke with those of Garcia to arrive at the present invention; and dependent Claim 12 is believed to be allowable for the foregoing reasons.

In paragraph 14 of the Examiner's Office Action, the Examiner rejected Claim 11 under 35 U.S.C. §103(a) as being unpatentable over Paepke in view of Fay and Nortman, and Garcia as applied to claim 9 above and in further view of Hortel et al. (USPN #6233771) (hereinafter Hortel). As noted earlier, The Applicant respectfully disagrees with the characterization of Graham, Nortman, Hintz, Paepke; and Hortel fails to overcome the deficiencies of the those prior art references. The invention in Hortel does not pertain to a cleaning device for cleaning, scoring, and polishing a variety of surfaces that can be found in household, commercial, industrial applications. Rather, Hortel teaches a cleaning device for spot-cleaning fabrics, such as wool, cotton, or silk. Thus, one of ordinary skill in the art would not see a suggestion to combine the teachings of Graham, Nortman, Hintz, or Paepke with those of Hortel to arrive at the present invention.

Accordingly, dependent Claim 11 includes all the limitations of independent Claim 1, and is believed to be allowable for the foregoing reasons.

Regarding paragraph 16, the Examiner has rejected dependent Claim 12 under 35 U.S.C. §103(a) as being unpatentable over Paepke in view of Fay and Nortman and Garcia as applied to Claim 10 above and further in view of Hortel. Here, The Examiner stated that Paepke, in view of Fay and Nortman and Garcia failed to teach that the handle is sphere, but has, nevertheless, rejected the Applicant's invention in further view of

Hortel. The applicant respectfully disagrees with the Examiner's characterization of the handle depicted in Figure 1 of Hortel and respectfully traverses the Examiner's rejection. In Figure 1 of Hortel, a cleaning device is shown having a "bulb" shaped handle 204 coupled to a base member 202 via a cylindrical shaft 203. See Column 7, lines 40-65; Figure 4; Abstract) Hortel, as mentioned above, does not disclose or teach a cleaning device having a handle which is ergonomically shaped such that it is adaptably contoured to fit snug in a user's hand as they maneuver the invention across a myriad of cleaning surfaces. Accordingly, dependent 12, which includes all of the limitations of independent Claim 1, is believed to be allowable for the foregoing reasons.

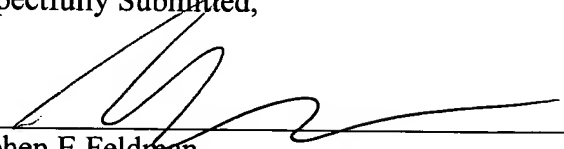
CONCLUSION

In summary, Applicant has amended independent base claim 1. In light of the amendments and for the reasons stated herein, it is believed that the pending claims 1-12 are now in condition for allowance. If the Examiner has any other matters which remain, the Examiner is encouraged to contact the number to the undersigned attorney and/or agent to resolve these matters by an Examiner's Amendment where possible. The amendment is not believed to introduce new issues into the case as determined within the meaning of 35 U.S.C. § 132. Entry and consideration of the amendment and the accompanying remarks is therefore believed to be appropriate, and is respectfully requested. The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 06-0515.

Docket No.

Patent

Respectfully Submitted,



Stephen E Feldman

No. 22,473

12 East 41st Street

New York, New York 10017

Tel: (212) 532-8585

Fax: (212) 532-8598

Dated